

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,

v.

DAVID A. RINKE II

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Case No. 1:11-mj-9-SJM-SPB-1

**ORDER**

AND NOW, *to wit*, this 1<sup>st</sup> Day of March, 2011, upon consideration of the Government's Motion for Stay and Revocation of Release Order [9], docketed as an appeal from the Magistrate Judge's release order in the above captioned case,

IT IS ORDERED that said motion is GRANTED in part, to the extent that the Magistrate Judge's release order is STAYED pending the outcome of the Government's appeal and de novo review of the merits of the Government's motion for revocation of the release order. *See United States v. Brigham*, 569 F.3d 220, 230 (5<sup>th</sup> Cir. 2009) (citing cases and noting that "several district courts ... in the context of pre-trial detention [ ] have stayed release orders"); *United States v. Hernandez-Perez*, Magistrate No. 10-mj-1398-02, 2010 WL 3703302 at \*1 (E.D. Pa. Sept. 22, 2010) (noting that district court judge had granted the Government's motion to stay the defendant's pretrial release pending a decision on the Government's appeal of the release order).

s/ Sean J. McLaughlin

Sean J. McLaughlin  
United States District Judge

cc: All counsel of record.  
U.S. Magistrate Judge Baxter